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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/862,516	05/23/2001	Ken Nishioka	01-148	7211

23400 7590 03/22/2006

POSZ LAW GROUP, PLC  
12040 SOUTH LAKES DRIVE  
SUITE 101  
RESTON, VA 20191

EXAMINER
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FISHER, MICHAEL J

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 03/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/862,516

Applicant(s)

NISHIOKA, KEN

Examiner

Michael J. Fisher

Art Unit

3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3,7-9,11-14,16 and 17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,7-9,11-14,16 and 17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

Claims 12 and 13 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. It is unclear what is meant by "...the linking of ... is by the vehicle model." Specifically, whether the information is referenced as being by car model.

Note: The Examiner will assume that the claim means, "... linking of... is done according to vehicle model."

### ***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-3, 7-9 and 11-14, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over US PAT 5,931,878 to Chapin, Jr. (Chapin).

As to claim 1, Chapin discloses a vehicle information method (fig 5) comprising storing in a first storage means maintenance information of a vehicle (internal database 10, as best seen in fig 1, this would be the information center), storing in a second storage means maintenance work information (at vendor) which are provided by an advertiser requestor (24), linking the maintenance information and the work information to extract a content (fig 1) this would inherently be "at the information center" as the

information is linked and it is at the information center, transmitting a message indicative of an arrival of a maintenance time item (14). All messages are shown as being transmitted through a communication network (the Internet). Chapin does not, however, teach the second storage means as being "of the information center". However, Chapin does teach storing this information and where the information is stored would not make the invention patentably distinct.

As to claim 2, Chapin discloses including a time of purchase (col 4, lines 57-58), the transmitting step transmits a regular inspection time based on time of purchase (col 2, lines 56-66).

As to claim 4, Chapin discloses a first storage means with parts information (col 5, lines 27-31, inventory being parts), storing in a second storage means sales part information regarding parts sold (120, as best seen in fig 5), linking the parts information and the sales information (fig 5), transmitting to the terminal the information (fig 5).

As to claim 6, Chapin discloses receiving the maintenance information from the user (col 4, lines 60-61), the second storing is from the maintenance provide by the requestor (the service shop, between 26 and 22 as best seen in fig 5), the linking extracts contend of the maintenance work required by the vehicle (inherent in that the work is shown to be required and further, it is transmitted and linked, as best seen in fig 5), and further discloses the transmitting step as transmits to the terminal maintenance information and information regarding the requestor who provides the work (26).

As to claim 7, Chapin discloses receiving the maintenance information from the user (col 4, lines 60-61), the maintenance information is received from the advertiser

Art Unit: 3629

requestor (inherent in that automotive manufacturers designate maintenance intervals), transmitting means for transmitting the information and displaying the message (100).

As to claim 8, Chapin discloses a first storage means with parts information (col 5, lines 27-31, inventory being parts), the necessary parts would inherently be requested by the user as the owner of vehicle requests that the service is performed, a second storage means regarding parts sold by the requestor (28), linking means for linking the information (fig 5), transmitting the information through a network (fig 5).

As to claim 9, Chapin would inherently disclose a storage medium that stores the programs, which cause the computer to perform the steps of claim 7 as Chapin discloses a computer doing this (fig 5).

As to claim 11, the second storage means stores maintenance work information by "Car Type" (fig 1 in D of block 13). It would have been obvious to include "model" with car type to ensure that the workers know the model to reduce the chance of error.

As to claims 12,13 it would have been obvious to link by car by model else, if a customer had two cars, incorrect maintenance information would be linked. For instance, the maintenance of one of the customer's cars would be linked to their other car.

As to claims 14 and 16 Chapin discloses knowing the time of purchase (col 2, lines 58-60). Further, it would be inherent that the time of purchase was noted as Chapin discloses time based servicing (col 2, line 64-68) and the transmitting means is shown to be time based (col 2, lines 64-68) as is the service (3,000 oil-change in three months).

As to claims 3,15 and 17, Chapin does not, however, teach transmitting map information regarding the location of the advertisement requestor. It would have been obvious to one of ordinary skill in the art to modify Chapin by having Chapin transmit map information (address and directions if necessary) so the user could find the requestor in order to have the necessary work performed.

### ***Response to Arguments***

Applicant's arguments filed 12/27/05 have been fully considered but they are not persuasive. As discussed in the above rejection, where the information is stored would not be patentably distinct as it is stored. As further discussed, Chapin does discuss time. As to claim 7, maintenance intervals are inherent. For instance, 15,000 mile check-up. As shown, Chapin assumes a 1,000 mile per month mileage for oil-change, it would be inherent that Chapin further assumes this for required maintenance. As to inherency in claim 9, it would be appear to the examiner to be impossible for a function performed on a computer to not be on a computer readable medium else the computer could be perform it.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


Art Unit: 3629

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Fisher whose telephone number is 571-272-6804. The examiner can normally be reached on Mon.-Fri. 7:30am-5:00pm alt Fri. off.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MF   
3/6/06

  
JOHN G. WEISS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600